

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**PAUL ZERBY,**  
**Plaintiff**

**v.**

**DOLLY I. WALTZ, et al.,**  
**Defendants**

:  
:  
:  
:  
:  
:  
:

**No. 1:16-cv-00383**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 27th day of January 2017, in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT** Defendants' motions to dismiss (Doc. Nos. 6, 7, 8, 10), are **GRANTED**. The following claims against the following Defendants are dismissed **with prejudice**:

1. Plaintiff's federal and state law claims against District Attorney David J. Freed;
2. Plaintiff's federal and state law claims against the Cumberland County District Attorney's Office and the East Pennsboro Township Police Department;
3. Plaintiff's state law claims against Cumberland County; and
4. Plaintiff's Fourth Amendment and common law malicious abuse of process claims against Detective Rodney Smith.

The Clerk of Court is directed to terminate Defendants District Attorney David J. Freed, the Cumberland County District Attorney's Office, and the East Pennsboro Township Police Department from the above-captioned action.

**IT IS FURTHER ORDERED** that the following claims against the following Defendants are dismissed **without prejudice** to the Plaintiff's filing of a second amended complaint in this matter within thirty (30) days from the date of this Order that corrects the pleading deficiencies identified in the corresponding Memorandum:

1. Plaintiff's municipal liability claim against Cumberland County;
2. Plaintiff's Fourth Amendment malicious prosecution claim against Detective Rodney Smith;
3. Plaintiff's slander, libel, invasion of privacy, and civil conspiracy claims against Defendants Dolly I. Waltz and Kimberly Henning; and
4. Plaintiff's common law malicious prosecution and invasion of privacy claims against Detective Rodney Smith in his individual capacity.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania